

NO. PD-078-17

THE STATE OF TEXAS, Appellant	§	IN THE COURT OF	FILED COURT OF CRIMINAL APPEALS 3/12/2018 DEANA WILLIAMSON, CLERK
vs.	§	CRIMINAL APPEALS	
JUAN MARTINEZ, JR., Appellee	§	AUSTIN, TEXAS	

MOTION FOR EXTENSION OF TIME
TO FILE APPELLANT'S BRIEF

TO THE HONORABLE COURT OF CRIMINAL APPEALS:

Now comes, The State of Texas, appellant in the instant cause, by and through undersigned counsel, Edward F. Shaughnessy, and files this Appellant's Motion for Extension of Time to File Appellant's Brief. In support of the instant motion the Appellant would show unto this Court the following:

A.

The appellant was charged, by way of an indictment, returned by a Bee County grand jury, with the offense of Intoxication Manslaughter in Cause No. B-14-21-2123-0-CR-B. Prior to trial the defendant/appellee filed a written "Defendant's Motion to Suppress. Following an evidentiary hearing on the motion the trial Court granted the Motion. The trial Court

thereafter entered written findings of fact and conclusions of law regarding the defendant/appellee's motion. The State of Texas thereafter appealed the ruling of the trial court to the Thirteenth Court of Appeals-Corpus Christi. The lower Court affirmed the order of the trial Court suppressing the evidence. *State v. Martinez (No. 13-15-00592-CR, Tex. App.-Corpus Christi, July 13, 2017)*. On January 24, 2018, this Court granted the State's Petition for Discretionary Review. The State's brief is presently due to be filed on March 12, 2018. The appellant would respectfully request a twenty (20) day extension of time to file the appellant's brief in the instant cause.

The appellant would respectfully request this extension due to a clerical matter relating to the reporter's record. It has recently come to light that the record presently before this Court contains a copy of the reporter's record that is necessary for proper disposition of the matter currently pending before this Court. For reasons that are not readily apparent, that record has been ordered to be "sealed", apparently by the Thirteenth Court of Appeals. The staff of this Court has indicated that it is in the process of remedying that situation. The undersigned is seeking an extension of time in the instant case so as to properly prepare the brief to this Court.

PRAYER FOR RELIEF

Wherefore premises considered, the appellant would request that this Court grant the appellant an additional twenty (20) days in which to file a brief on behalf of the appellant.

Respectfully submitted,

/S/E. F. Shaughnessy
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CERTIFICATE OF SERVICE

I, Edward F. Shaughnessy, hereby certify that a copy of the instant motion was served upon Patrick Overman, attorney for the appellee, by mailing the motion to 331A N. Washington Street, Beeville Texas 78102 on this the 12 day of March, 2018.

/S/ E.F. Shaughnessy
Edward F. Shaughnessy, III
Attorney for the Appellant